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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,289	07/31/2000	Brian D. Crites	203993	5622
23460	7590	11/04/2003		
LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6780				
			EXAMINER HO, THE T	
			ART UNIT 2126	PAPER NUMBER 4

DATE MAILED: 11/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/629,289

Applicant(s)

CRITES ET AL.

Examiner

The Thanh Ho

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 July 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27 is/are allowed.
- 6) ☒ Claim(s) 1-26 and 28-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

1. This action is in response to the application filed 7/31/2000.
2. Claims 1-42 have been examined and are pending in the application.

### ***Allowable Subject Matter***

3. Claim 27 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 112***

4. Claim 31 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The applicant recites "The method of claim 31" on line 1, which is an inappropriate dependent because it depends from a method of claim 30. For the purpose of art rejection, it is interpreted as "The method of claim 30" as best understood and as it appears to be.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 4-6, 8-11, 15-18, 23, 25-26, 28-30, 34 and 36-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Allran U.S Patent No. 5,630,132.

As to claim 1, Allran teaches command to set a first data type (synthesizer task, line 11 column 16) on an input (301, Fig. 13) and a second data type (digitized analog output, lines 28-29 column 16) on an output of the object; command to process data (operate to sum the streamed data, lines 22-23 column 16) of the first type and to generate output data (provide, line 26 column 16) of the second type.

As to claim 4, Allran further teaches input and output data types are streaming media types (streamed data, lines 8-31 column 16).

As to claim 5, Allran further teaches input and output streaming media types are streaming audio media types (audio signals, lines 8-31 column 16).

As to claim 6, Allran further teaches input and output streaming media types are streaming video media types (video monitor, lines 31-39 column 5).

As to claims 8-9, Allran further teaches querying the object for a minimum input and output buffer size required (minimum buffer size, lines 18-30 column 12).

As to claim 10, Allran further teaches determining the first data type that the object can process and the second data type that the object can support on the output (lines 37-57 column 15).

As to claim 11, Allran further teaches informing the object that the data is discontinuous on the input (empty, line 52 column 15).

As to claim 15, note the discussion of claim 1 above.

As to claims 16-18, note the discussions of claims 4-6 above, respectively.

As to claim 23, note the discussions of claims 4-6 above.

As to claims 25-26, note the discussions of claims 8-9 above.

As to claim 28, Allran further teaches registering an existence with an operating system (scheduled for execution by the operating system, lines 20-21 column 15).

As to claim 29, Allran further teaches identifying a class ID; a category; whether a use is keyed; a number of input and output data types to register; the input and output data types (lines 40-57 column 21).

As to claim 30, note the discussion of claim 1 above.

As to claim 34, note the discussions of claims 4-6 above.

As to claims 36-37, note the discussions of claims 8-9 above.

As to claim 38, note the discussion of claim 1 above.

As to claim 39, note the discussions of claims 4-6 above.

As to claim 40, note the discussions of claims 8-9 above.

As to claim 41, note the discussion of claim 10 above.

As to claim 42, note the discussions of claims 4-6 and 8-10 above.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-3, 7, 12-14, 19-22, 24, 31-33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allran in view of Maas U.S Patent No. 6,092,128.

As to claims 2-3, Allran does not teach the use of flags. Maas teaches the use of flags (status flags, lines 11-17 column 3) to control the flow of input and output streaming data in a data transmission environment. It would have been obvious to apply the teachings of Maas to the system of Allran because the flag controls the flow of data between the sources, therefore preventing overflow and underflow of data as disclosed by Maas (line 60 column 3 to line 61 column 4).

As to claim 7, note the discussions of claims 2-3 above.

As to claim 12, note the discussions of claims 2-3, 8 and 10-11 above.

As to claim 13, note the discussion of claim 11 above.

As to claim 14, note the discussions of claims 2-3 above.

As to claims 19-20, note the discussions of claims 2-3 above.

As to claim 21, note the discussion of claim 8 above.

As to claim 22, note the discussions of claims 2-3 above.

As to claim 24, note the discussions of claims 2 and 11 above.

As to claims 31-32, note the discussions of claims 2-3 above.

As to claims 33, note the discussions of claims 2-3 above.

As to claim 35, note the discussions of claims 2 and 11 above.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to The Thanh Ho whose telephone number is 703-306-5540. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (703) 746 – 7238
- OFFICAL faxes must be signed and sent to (703) 746 – 7239
- NON OFFICAL faxes should not be signed, please send to (703) 746 – 7240

TTH  
October 30, 2003



**JOHN FOLLANSBEE  
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